

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>CERTAINTEED CORP.,</b>	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>BIPV, INC.,</b>	:	<b>No. 16-57</b>
<b>Defendant.</b>	:	

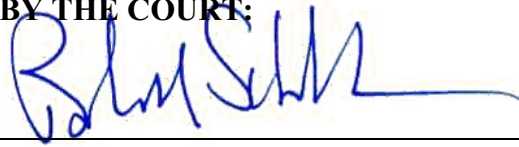
**ORDER**

**AND NOW**, this **1<sup>st</sup>** day of **May, 2017**, upon consideration of CertainTeed Corporation's Motion for Summary Judgment, BIPV's response thereto, CertainTeed's reply thereon, and for the reasons provided in this Court's Memorandum dated May 1, 2017, it is hereby **ORDERED** that:

1. The motion (Document No. 45) is **GRANTED in part** and **DENIED in part** as follows:
  - a. The motion is **GRANTED** with respect to CertainTeed's breach of contract claim related to the January 31, 2012 purchase order. The amount of damages to be awarded can be determined at trial.
  - b. The motion is **GRANTED** with respect to BIPV's trade secret claims.
  - c. The motion is **DENIED** with respect to BIPV's breach of contract claims related to the 2010 and 2012 nondisclosure agreements.
2. Based on the Court's summary judgment ruling, it is not clear that the testimony of Jeff Kotowski will be necessary. The Court will therefore delay a ruling on CertainTeed Corporation's motion in limine to preclude the use of the opinions

and testimony of Jeff Kotowski until the final pretrial conference.

**BY THE COURT:**

A handwritten signature in blue ink, appearing to read "Berle M. Schiller", written over a horizontal line.

**Berle M. Schiller, J.**